

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

**IN RE:** )  
**GARY MICHAEL LEE** ) **CASE # 17-41948-drd-13**  
**ROBIN JENE LEE** )  
**Debtors.** )

**TRUSTEE'S RESPONSE TO DEBTORS' MOTION TO AVOID LIEN OF  
BARRICK PROPERTIES, INC.**

COMES NOW Richard V. Fink, Chapter 13 Trustee, and files this response and in support thereof states:

- 1) On July 21, 2017, the debtors filed their Petition for relief under Chapter 13.
- 2) The debtors also have a pending consolidated Chapter 7 case, Case No. 16-43293. The debtors were discharged in the Chapter 7 on July 18, 2017, but the case remains open. Case 16-43293 began as a Chapter 13 case as to Mrs. Lee but was converted due to debt limits. Mr. Lee had a pending Chapter 7 at that time and the cases were consolidated for administration purposes.
- 3) On October 30, 2017, the debtors filed a motion to avoid judicial lien in favor of Barrick Properties.
- 4) Paragraph 11 of the motion to avoid judicial lien states the lien is avoidable in full.
- 5) The claim in favor of Barrick Properties was not originally listed in the Chapter 7 or the underlying Chapter 13.
- 6) On November 3, 2017, the debtors filed an amended Schedule D adding the claim of Barrick Properties. The total amount of the claim is scheduled at \$685,692.56. Column C on Schedule D reflects that the unsecured portion of the claim is \$548,507.39.
- 7) The debtors also scheduled two \$50,000.00 claims in favor of the two Chapter 7 trustees for presumed equity in the debtors' real property.
- 8) The trustee cannot determine if the debtors are requesting the claim be avoided in full or in part.
- 9) It also appears the debtors now do not qualify for relief under Chapter 13 pursuant to 11 U.S.C. Section 109(e) based on the amended schedules filed.

WHEREFORE, the Trustee files this response and requests a hearing on the matter.

Respectfully submitted,

/s/ Richard V. Fink, Trustee  
Richard V. Fink, Trustee  
2345 Grand Blvd., Suite 1200  
Kansas City, MO 64108-2663  
(816) 842-1031

NOTICE OF SERVICE

The following parties will be served either electronically or by United States first class mail and a certificate of service will be filed thereafter:

Debtors  
Barrick Properties, creditor (527209)

/s/ Richard V. Fink